

Memorandum

TO: Mayor and City Council

FROM: Vice Mayor Cindy Chavez

SUBJECT: Response to Indictment of
Mayor

DATE: June 22, 2006

APPROVED:

DATE:

RECOMMENDATIONS:

That the San Jose City Council convene a special session at the earliest possible opportunity to:

- Formally request that the Mayor resign immediately;
- Establish a process by which an interim Mayor will be selected in the event that the Mayor does resign;
- Remove all vestiges of power and authority from the office of the Mayor as allowed under the City Charter and by City Policy in the event that he does not resign; and
- Identify the authority under which the City Council can further restrict the Mayor's ability to represent San Jose in the event that he refuses to resign.

BACKGROUND:

Last December, the Council acted on the findings of the Civil Grand Jury and the Council's independent investigation by unanimously censuring the Mayor for misleading the council and residents of San Jose regarding the Norcal garbage contract. Many on the Council requested that the District Attorney's office investigate any potential misconduct regarding the contract.

In light of the resulting indictments of Mayor Gonzales by the Santa Clara County Grand Jury, it is incumbent upon the Council to act immediately to begin to restore the public's trust in San Jose's government by urging the Mayor to resign.

Mayor Gonzales cannot carry out the responsibilities of his office while defending himself against the indictment. Mayor Gonzales must do what is best for the City and the people of San Jose and resign immediately.

In addition, I am asking to convene a special session of the City Council. At that time, if the Mayor does resign, I am asking the City Attorney to advise us on the process by which we will appoint an interim Mayor. We must work together, and with our City Manager, to ensure that during this critical period we meet every obligation and responsibility the City has to the people of San Jose.

To restore the public's trust, the process of appointing an interim Mayor must be open, orderly and thorough. Since both I and another member of the City Council are currently candidates for Mayor, I want to be clear that I do not seek and will not accept an appointment to be Mayor during the election. I hope to get the job the old fashioned way – by earning it at the ballot box in November.

If the Mayor does not resign I am asking the City Attorney to advise us on the authority under which we may restrict the Mayor's ability to Act on the City's behalf. I would expect to consider our options at that special meeting.

Finally, I believe we must conduct ourselves with dignity, whatever actions we decide to take. The people of San Jose deserve no less.